



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22988 of 2022

WEB COPY

1.Marimuthu
2.Vijayaragavan
3.Jayaprakash
4.Akila

...Petitioners/Accused No.1 to 4

-vs-

The State represented by
The Inspector of Police,
Mandaiyur Police Station,
Pudukottai District.
(Cr.No.73 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.73 of 2022 on the file of the respondent Police.

For Petitioners : Mr.Joel Paul Anthony

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323 and 506(i) in Crime No.73 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 17.12.2022, the first petitioner removed the boundary stone from the de-facto complainant's land and when the de-facto complainant questioned the same, the petitioners attacked and threatened the de-facto complainant with stick and abused him in filthy language. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that a civil dispute has been exaggerated as a criminal case.

<https://www.mhc.tn.gov.in/judis>

4.The learned Government Advocate (crl.side) would submit that on 17.12.2022, the first petitioner removed the boundary stone from



the de-facto complainant's land and when the de-facto co-plaintiff questioned the same, the petitioners attacked and threatened the de-facto complainant with stick and abused him in filthy language.

5. Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Keeranur, Pudukottai District, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/12/2022

/ TRUE COPY /

/01/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE, KEERANUR, PUDUKOTTAI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE,
MANDAIYUR POLICE STATION,
PUDUKOTTAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.JOEL PAUL ANTHONY, Advocate (SR-15488[I] dated
23/12/2022)

ORDER

IN

CRL OP(MD) No.22988 of 2022

Date :23/12/2022

RK/BUC/SAR-3 (03/01/2023) 3P/6C